

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARCUS DION BROOKING,

No. 3:15-CV-02134

Plaintiff,

(Judge Brann)

v.

(Magistrate Judge Saporito)

D.O.C., *et al.*,

Defendants.

**ORDER**

**OCTOBER 28, 2020**

Plaintiff filed the instant action on August 21, 2015. The case was reassigned to me and referred to Magistrate Judge Joseph F. Saporito, Jr.. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>1</sup> Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>2</sup>

On September 25, 2020 Magistrate Judge Saporito, to whom this matter is jointly assigned, issued a thorough report and recommendation, recommending that Defendant’s motion for summary judgment be denied, and that the matter be remanded to Magistrate Judge Saporito for consideration of exhaustion of administrative remedies.

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<sup>1</sup> 28 U.S.C. 636(b)(1)(B).

<sup>2</sup> 28 U.S.C. 636(b)(1).

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>3</sup> Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>4</sup>

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

**AND NOW, IT IS HEREBY ORDERED** that:

1. Magistrate Judge Saporito’s September 25, 2020, Report and Recommendation (Doc. 44) is **ADOPTED in full**.
2. The case is remanded to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann  
United States District Judge

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<sup>3</sup> Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

<sup>4</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.